

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ARTHUR SCOTT PRELLE

: CIVIL ACTION

v.

: NO. 25-2589

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**OFFICE OF FOREIGN ASSETS
CONTROL, (OFAC), U.S.
DEPARTMENT OF THE TREASURY,
PAMELA BONDI**

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MEMORANDUM

KEARNEY, J.

June 4, 2025

Arthur Scott Prelle views himself as a sovereign who repeatedly files cases based on a sovereign citizen redemptionist theory always rejected by federal courts. He returns six months after we dismissed his earlier frivolous claim his birth certificate is a contract between him and the United States and his birth state of New Jersey creating a trust account which entitled him to an accounting, other equitable relief, and damages nearly sixty years after his birth. We dismissed six iterations of pleadings in two separate actions based on Mr. Prelle's sovereign citizen redemptionist theory. And colleagues in New Jersey and our Court of Appeals repeatedly dismiss his same theories.

We explained six months ago we lacked jurisdiction over Mr. Prelle's claims for money damages against the United States, its officers, and departments and dismissed claims for equitable relief based on a fictitious contract. Mr. Prelle returns seeking equitable and "constitutional" relief claiming federal actors' "wrongful retention of his original wet ink" birth certificate. We granted leave to proceed without paying the filing fees due to his sworn pauper status. We again dismiss his unmoored allegations consistent with our screening obligations. We dismiss his claims with prejudice as an amendment based on his "original wet ink" birth certificate theory is futile.

I. Alleged pro se facts

Mr. Prelle alleges his parents gave his original 1967 birth certificate to a physician shortly after his birth in New Jersey.¹ The physician in turn “transferred” the birth certificate to an unnamed “entity” without Mr. Prelle’s parents’ “informed consent” causing the State of New Jersey to “create a public legal fiction” of the infant Mr. Prelle in all capital letters (“ARTHUR SCOTT PRELLE”).² Mr. Prelle alleges his parents had and he has a constitutionally protected property interest, and equitable interest, in his original birth certificate.³

In March 2016, the United States Department of State issued an “Authentication Certificate” of an unidentified document.⁴ The State of New Jersey has a “carbon copy” of Mr. Prelle’s birth certificate.⁵

Mr. Prelle now seeks the “original wet ink signature document” of his birth certificate which he believes is in the possession of the United States Office of Foreign Asset Control, the United States Department of Treasury, the United States Department of Justice, and/or the United States Attorney General Pam Bondi. He demanded his “original wet ink” birth certificate from the United States Office of Foreign Assets on December 7, 2024 and from Attorney General Bondi on March 3, 2025 which “Defendants” collectively “failed to honor.”⁶

II. Analysis

Mr. Prelle sues federal agencies and officials under the Trading with the Enemy Act, the Emergency Banking Act, the Fifth Amendment’s due process clause, and the Privacy Act of 1974, and seeks a declaratory judgment against the United States, the imposition of a constructive trust for his original wet ink birth certificate, injunctive relief, appointment of a receiver, and equitable accounting. We dismiss Mr. Prelle’s claims with prejudice as frivolous.

Congress requires we screen Mr. Prelle's allegations relying on sworn representations of indigence leading us to grant him leave to proceed without paying filing fees.⁷ We must dismiss Mr. Prelle's Complaint before issuing summons if his claims are frivolous or malicious, if he does not state a claim on which relief may be granted, or if he seeks monetary relief against a defendant immune from such relief.⁸ Our screening obligations under Congress's mandate require we dismiss Mr. Prelle's claims as frivolous under section 1915(e)(2)(B)(i).⁹ "To be frivolous, a claim must rely on an 'indisputably meritless legal theory' or a 'clearly baseless' or 'fantastic or delusional' factual scenario."¹⁰ Congress through section 1915(e)(2)(B)(i) vests us with "the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless."¹¹ We are mindful of our "obligation to liberally construe" Mr. Prelle's *pro se* complaint.¹²

Mr. Prelle invokes our jurisdiction under the Trading with the Enemy Act of 1917 and its implementing regulations, authorizing our review of the Office of Foreign Assets Control's alleged retention and seizure of his original "wet ink" birth certificate.¹³ He also invokes our jurisdiction under Article III, section 2, clause 1 of the Constitution granting judicial power over controversies to which the United States is a party.¹⁴

Mr. Prelle's claims again appear to be based on a sovereign citizen redemption theory.¹⁵ As Judge Sweeney of the United States Court of Federal Claims explained, the sovereign citizen redemption theory includes a belief when the United States went off the gold standard in 1933, United States citizens "were 'pledged' as collateral for the national debt" evidenced by either their birth certificate or social security numbers creating two identities: "a real 'private' individual and a fictional 'public' person" (sometimes in all capital letters) resulting in "access to a trust fund held in the fictional person's name at the U[nited] S[tates] Treasury."¹⁶

Mr. Prelle alleges the United States, specifically the Office of Foreign Assets Control (within the Treasury Department), the Treasury Department, and possibly the Justice Department and Attorney General Bondi “assumed custody,” improperly retained, and/or “seized” his original “wet ink” birth certificate through Executive Order No. 6102, the Emergency Banking Act of 1933, and/or Trading with the Enemy Act of 1917, which Mr. Prelle believes vested the President of the United States and agencies in the Executive branch “broad powers during national emergencies to regulate transactions and seize assets,” including his birth certificate.¹⁷

We already dismissed Mr. Prelle’s claims his birth certificate is a contract between him, New Jersey, and the United States, noting the United States Court of Appeals for the Federal Circuit routinely dismisses sovereign citizen claims based on birth certificates as frivolous.¹⁸ He returns with the same theory, again seeking equitable relief based on the redemptionist birth certificate theory he demanded from the United States Mint, its officer, the Department of the Treasury, the United States, and the State of New Jersey. He simply shifts his theory to sue the Office of Foreign Assets Control, the Department of Treasury, the Department of Justice, and Attorney General Bondi with no plausible allegations or plausible legal theory.

Every federal court addressing sovereign citizen claims invoking redemption of a trust account based on a birth certificate or social security number have dismissed claims as invalid and frivolous.¹⁹ Mr. Prelle’s claims under the Trading with the Enemy Act, the Privacy Act, and the Due Process clause of the Fifth Amendment seeking injunctive and declaratory relief as well as equitable remedies we already dismissed in *Prelle v. U.S. Mint*, are not plausible.²⁰ We dismiss his complaint with prejudice as an amendment based on the return of his original “wet ink” birth certificate as frivolous.²¹

III. Conclusion

Mr. Prelle's latest sovereign citizen pro se complaint is plainly frivolous. We dismiss his case with prejudice.

¹ ECF 2 ¶¶ 12-13.

² *Id.* We heard and dismissed all this before. Mr. Prelle sued himself in all capital letters ten years ago asking we impose a trust based on his birth certificate. *Prelle v. Prelle*, No. 16-3723. We dismissed his amended Complaint after issuing a show cause Order and holding a hearing on Mr. Prelle's inability to name a defendant over whom we could exercise personal jurisdiction or venue based on an unidentified trust *res* based on his New Jersey birth certificate. *Id.* at ECF 5, 11.

Mr. Prelle then turned to the United States District Court for the District of New Jersey, where he repeatedly and unsuccessfully attempted to recover on a trust created by his birth certificate issued by the State of New Jersey. In March 2020, our Court of Appeals denied Mr. Prelle's petition for writ of mandamus from the United States District Court for the District of New Jersey's denial of his application to proceed *in forma pauperis*. See *In re Arthur Scott Prelle*, 795 F. App'x 880 (3d Cir. 2020). In March 2022, Judge Shipp of the United States District Court for the District of New Jersey dismissed Mr. Prelle's second amended Complaint against the Treasurer of the State of New Jersey, the Governor of the State of New Jersey, and the Treasurer of the United States seeking a trust, accounting, and claiming unjust enrichment based on an alleged trust created by his New Jersey birth certificate with no further leave to amend. *Prelle v. Chief Executive of New Jersey*, No. 16-5447, 2022 WL 657641 (D.N.J. Mar. 4, 2022). Mr. Prelle appealed to our Court of Appeals which, in a per curiam opinion, affirmed Judge Shipp's dismissal of the complaint making blanket assertions and conclusory allegations not compliant with Federal Rule of Civil Procedure 8 and affirmed the District Court's denial of further leave to amend. *Prelle v. United States by Prelle*, No. 22-1453, 2022 WL 16958896 (3d Cir. Nov. 16, 2022). Mr. Prelle petitioned for a writ of certiorari denied by the United States Supreme Court. *Prelle v. Chief Executive Officer of New Jersey*, 143 S. Ct. 2590, 216 L. Ed. 2d 1197 (June 5, 2023). Mr. Prelle petitioned the Supreme Court for rehearing which it denied. *Id.*, 144 S. Ct. 50, 216 L. Ed. 2d 1304 (Aug. 21, 2023). His earlier New Jersey actions are in addition to his 2016 action dismissed by us in this Court and the current action.

Mr. Prelle returned to us in October 2024 to sue the United States Mint, the United States, and its officials seeking money damages based on a theory his birth certificate created a contract with the federal government. *Prelle v. U.S. Mint*, No. 24-5291. We dismissed his third amended Complaint as frivolous under our screening obligations imposed by Congress through 28 U.S.C. § 1915. *Prelle v. United States Mint*, No. 24-5291, 2024 WL 4898064 (E.D. Pa. Nov. 26, 2024). As we explained in our Memorandum, Mr. Prelle's claims appear to reflect his belief in the sovereign citizen movement and "redemption" process. The movement is centered on the belief that when the United States went off the gold standard in 1933, the federal government began contracting

with its citizens through birth certificates and social security numbers and holds money in individual trust accounts for each citizen. According to redemptionists, the contracts create a fictitious entity in the individual's name in all-capital letters. *Ammon v. United States*, 142 Fed. Cl. 210, 214-15 (Fed. Cl. 2019) (citing *Bryant v. Washington Mut. Bank*, 524 F. Supp. 2d 753, 758-59 (W.D. Va. 2007)); *see also Potter v. United States*, 161 Fed. Cl. 24, 28-29 (Fed. Cl. 2022) (explaining the belief by sovereign citizens their names written in all capital letters on birth certificates can be used to redeem funds held by the United States); *Coppedge v. Deutsche Bank Nat'l Tr.*, 511 F. App'x 130, 131 (3d Cir. 2013) (affirming denial of preliminary injunction by a sovereign citizen challenging a state court writ of judgment using his "corporate issue name" in all capital letters).

In both his 2016 and October 2024 actions, Mr. Prelle sought to collect the money he believes the United States owes to him under the contract created by his birth certificate in his name in all-capital letters through the redemption process.

³ ECF 2 ¶¶ 17-23.

⁴ *Id.* ¶¶ 24-27. Mr. Prelle refers to his birth certificate as attached to his Complaint at Exhibit 1. There are no exhibits, including "Exhibit 1" or a birth certificate attached to the Complaint at ECF 2. As we explained in our Memorandum in *Prelle v. United States Mint*, No. 24-5291, Mr. Prelle paid eight dollars for the "authentication certificate." An "authentication certificate" is a request made to the United States Department of State "used by individuals, institutions, and government agencies to request authentication and/or apostille certificates under the seal of the U.S. Department of State for documents used for legal and administrative purposes abroad." U.S. DEP'T OF STATE, DS-4194, REQUEST FOR AUTHENTICATIONS SERVICE (2023), <https://eforms.state.gov/Forms/ds4194.PDF> (last visited June 2, 2025). The Department of State will authenticate documents for United States citizens using the DS-4194 form for use in countries not in the 1961 Hague Convention Treaty. <https://travel.state.gov/content/travel/en/replace-certify-docs/authenticate-your-document/authentication-certificate-requirements.html> (last visited June 2, 2025). *Prelle v. United States Mint*, No. 24-5291, 2024 WL 4898064 (E.D. Pa. Nov. 26, 2024). Mr. Prelle did not plead in *Prelle v. United States Mint* or this action how a form DS-4194 applies to him.

⁵ ECF 2 ¶ 27.

⁶ *Id.* ¶¶ 29, 34-36.

⁷ 28 U.S.C. § 1915(a).

⁸ *Id.* § 1915(e)(2)(B).

⁹ *Id.* § 1915(e)(2)(B)(i).

¹⁰ *Mitchell v. Horn*, 318 F.3d 523, 530 (3d Cir. 2003) (quoting *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989)).

¹¹ *Neitzke*, 490 U.S. at 327.

¹² *Higgs v. Att'y Gen.*, 655 F.3d 333, 339 (3d Cir. 2011). See also *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers”).

¹³ ECF 2 ¶ 6. 50 U.S.C. § 4309. The Office of Foreign Assets Control is a division of the United States Department of the Treasury. The Office of Foreign Assets Control is the successor to the Office of Foreign Funds Control established at the beginning of World War II when Germany invaded Norway with the purpose of preventing the Nazis from using an occupied country’s foreign exchange and securities assets and to prevent forced repatriation of funds belonging to nationals of occupied countries. See <https://ofac.treasury.gov/about-ofac> (last visited June 2, 2025). The United States created the Office of Foreign Assets in December 1950 when China entered the Korean War. *Id.* President Truman declared a national emergency, and locked all Chinese and North Korean assets subject to the jurisdiction of the United States. *Id.*; see also *Sardino v. Federal Reserve Bank of New York*, 361 F.2d 106, 109-110, n. 2 (2d Cir. 1966), cert. denied, 385 U.S. 898 (1966) (reviewing the history of the Trading with the Enemy Act and the Office of Foreign Assets Control). Mr. Prelle’s allegations the Office of Foreign Assets Control is in possession of his original birth certificate from 1967 are without a factual basis. Mr. Prelle cites federal regulations at 31 C.F.R. §§ 500.201, 500.311 as authority for the Office of Foreign Assets Control “retention” of his birth certificate. See ECF 2 ¶¶ 30, 31. Sections 500.201 and 500.311 of Title 31 of the Code of Federal Regulations are “reserved” and have no substantive provisions.

¹⁴ ECF 2 ¶ 7.

¹⁵ We described the sovereign citizen movement and redemption theory in our November 26, 2024 Memorandum dismissing Mr. Prelle’s similar claims against the United States. See *Prelle v. United States Mint*, No. 24-5291, 2024 WL 4898064 (E.D. Pa. Nov. 26, 2024). Our Court of Appeals summarized the redemptionist theory in *Monroe v. Beard*, 536 F.3d 198, 203 n.4 (3d Cir. 2008).

¹⁶ *Wood v. United States*, 161 Fed. Cl. 30, 34-35 (Fed. Cl. 2022) (citations omitted). See also *Monroe*, 536 F.3d at 203 n. 4.

¹⁷ ECF 2 ¶ 2. In April 1933, President Franklin D. Roosevelt, through Executive Order No. 6102, formally suspended the gold standard by prohibiting private citizens’ monetary gold holdings requiring “[a]ll persons ... to deliver ... all gold coin, gold bullion, and gold certificates now owned by them to a Federal Reserve Bank[.]” Andrew T. Levin & Christina Parajon Skinner, *Central Bank Oversight: Assessing the Fed’s Accountability to Congress*, 77 VAND. L. REV. 1769, 1781 n. 68 (Nov. 2024). President Roosevelt signed the Executive Order in conjunction with the Emergency Banking Act of 1933, 12 U.S.C. § 95, passed by Congress to stabilize the nation’s banking system during the Great Depression. See <https://www.federalreservehistory.org/essays/roosevelts-gold-program> (last visited June 2, 2025). In March 1933, President Roosevelt suspended the nation’s banking system for a period of one week in an effort to stem the tide of gold coins flowing out of the Federal Reserve causing the devaluation of United States currency. *Id.* The Emergency Banking Act gave President Roosevelt

the power to control international and domestic gold movements which he used to issue Executive Order No. 6102 to stop the outflow of gold from the Federal Reserve. *Id.*

Congress enacted the Trading with the Enemy Act in 1917 as a wartime measure during the First World War. *Cornet Stores v. Morton*, 632 F.2d 96, 97 (11th Cir. 1980). Congress amended the Act in 1933 to grant the President power in connection with foreign trade and commerce during peacetime emergencies. *Id.* Congress through section 4309 of the Trading with the Enemy Act allows a person who is not an enemy or an ally of an enemy to seek judicial and administrative remedies for return of erroneously seized property. Paul M. Coltoff, 93 C.J.S. *War and National Defense* § 23 (May 2025 Update).

There is no basis for the application of either of these statutes to Mr. Prelle's demand for his original "wet ink" birth certificate last in the hands of a physician or the State of New Jersey nearly sixty years ago which he believes is in the possession of the Office of Foreign Assets Control.

¹⁸ *Prelle*, 2024 WL 4898064 at *4 (collecting cases).

¹⁹ See e.g. *Miles v. United States*, No. 24-1932, 2025 WL 28368, at *3, n. 5 (Fed. Cl. Jan. 3, 2025) (dismissing as frivolous theories based on sovereign citizen claims) (collecting cases); *Potter*, 161 Fed. Cl. at 28-29 (describing sovereign citizen redemption theories and dismissing claims under section 1915 as frivolous) (collecting cases); *Harrison v. United States*, No. 19-1785, 2020 WL 1492211, at *2-*3 (Fed. Cl. Mar. 23, 2020) (dismissing as frivolous under section 1915 plaintiff's claims based on an allegation his birth certificate created a property interest to support a Fifth Amendment takings claim); *Wentland v. Doe*, No. 21-938, 2022 WL 159677, at *2-*3 (M.D. Fl. Jan. 18, 2022) (dismissing as frivolous under section 1915 claims seeking declaratory relief based on an alleged equitable interest in plaintiff's birth certificate, including under the Trading with the Enemy Act and Emergency Banking Act); *Mallory v. Obama*, No. 15-1090, 2015 WL 7722034, at *1-*2 (W.D. Mich. Nov. 30, 2015) (dismissing as frivolous under section 1915 claims based on the Emergency Banking Relief Act of 1933 and the Trading with the Enemy Act of 1917 because plaintiff's birth certificate "did not create a fictitious legal entity simply by capitalizing [his] name, and it certainly did not turn such artificial person into an enemy of the state under the Emergency Banking Relief Act ... or the Trading with the Enemy Act[.]"); *Muhammad v. Smith*, No. 13-760, 2014 WL 3670609, at *2 (N.D.N.Y. July 23, 2014) (dismissing sovereign citizen and redemptionist theories based on birth certificate as "utterly frivolous" and "patently ludicrous" that are "a waste of ... the court's time, which is paid for by hard-earned tax dollars.") (citation omitted).

²⁰ Privacy Act, 5 U.S.C. § 552a.

²¹ 28 U.S.C. § 1915(e)(2)(B)(i).